

1/15/2013

PFE ORIGINAL

Metro Container Site

General Notes for Case Development



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RCRA received letter week of November 23, 1987 from congressman/senator Richard Schulze expressing concern over Metro operations. Inspection with then PADER was made on December 11, 1987. This inspection led to the ultimate removal action at the Site.

Location: 5 acres in Delaware County, PA; town of Trainer, about 2 miles south of Chester, PA; 10.5 acres; 40,000 square feet of "manufacturing" space and 6,000 square foot office. GPS coordinates: 39.82642 degrees North latitude, and 75.39903 degrees west longitude. 0.17 miles upstream of confluence of Stony Creek and the Delaware River.

Site History:

- Many industrial operations occurred on the site including, but not limited to, the following:
 - End of 19th c: Delaware Oil Works
 - 1913 – 1920: Manufacturer Paraffin Company – Produced finished wax products
 - 1920 – 1959: Stauffer Chemical Company, Inc. – Manufactured carbon disulfide
 - 1963 – 1969: Joseph A. Reis Company – Steel drum recycling
 - 1969 – 1983: Universal Container Corporation – drum recycling
 - 1983 – 1988: Metro Container Corporation – Drum recycling and reclamation operations
 - Current: Trainer Industries

Property was conveyed to Delaware County Industrial Development Authority in December 1970 (Q: PRP because of being owner, but not operator??) In 1983, property conveyed to First Union Commercial Corporation, then to Metro.

Lagoon and buildings built by Stauffer Chemical.

40,000 sqft building currently used by Trainer Industries, LLC as chemical storage and paint area (see TetraTech draft report for June 2010 site visit). ***Are they a BFPP??***
Looks like it from documents.

1986-1989: EPA and PADEP issued >23 NOVs

1991: owners and operators of Metro plead guilty in federal court to toxic waste dumping charges.

Trench cut from lagoon to Stoney Creek in 1969 allowing wastewater to discharge directly to creek (see TetraTech draft report for June 2010 site visit, p.4)

Individuals at Metro:

Stan Levy – indicted 1991, died soon after; started at Universal Container in 1955 as a plant manager; president and CEO of Universal starting around 1970.

Lewis Maslow – served jail time in early 1990s (alive?); founder and CEO of Universal Container, the predecessor to Metro at the Site

Steve Zubrin (maintenance supervisor) – served jail time in early 1990s (alive?)

Gardner K. Flynn (employee) -- ???

Gerald Butler (GM in 1987) -- joined Metro in 1986

Norman Tozour (was manager of Universal Container Steel Drum Corporation) – appears deceased since 1994

Business: Drum reconditioning; drums stored on ground with no secondary containment (see Greg Kotonuk Trip Report 12/18/87). Drums had residual amounts of oils or solvents (Metro Pres. Sidney Levy said about 1" of residual in typical drum). No manifest system, so only labels on outside of drums ID the contents. Until 1987 the company operated 24-hours per day, 5 days per week, but cut back in November 1987 due to sludge processing/treatment issues. Filed for Chapter 11 bankruptcy on December 7, 1987. Closed as of December 12, 1987 due to lack of funds to handle the build up of waste sludge and properly operate the company. Received 450,000 drums per year for recycling and reclamation

Cleaning Process: Caustic washes followed by use of thermal operation to burn off any residuals from the inside and outside of drums. (see Kotonuk Trip Report 12/18/87). Reconditioning generates wastes that are pretreated, which generates liquid wastes and sludge. Sludges are drummed and transported to a landfill in Michigan (Sumptor Landfill in Sumptor, MI). Liquid wastes generated from reconditioning were piped to the Delcora wastewater treatment plant. Metro had an NPDES permit for the liquid wastes generated from treatment operations. The Delcora industrial tie-in (valve) was shut off by Delcora on December 23, 1987; therefore Delcora stopped accepting Metro's treated industrial wastes as of that date. Prior to drumming, the sludges were stored in two areas which were essentially a holding tank and a holding lagoon; both were full at time of RCRA visit in 1987. Kotonuk Trip Report indicated that the holding lagoon seemed to have overflowed and several large puddles of what might have been sludge were on the ground surface next to the lagoon.

Weston SPER report dated December 21, 1987 indicated that Metro accepted RCRA "empty" drums, cleaned, and sold them. Wastes from the drum cleaning process were either incinerated on site or routed through an on site sludge treatment process (see Weston report). Sludge treatment system

became non-functional in approximately June 1987 which resulted in buildup of untreated sludge that was stored in open lagoons and unsecured drums.

Metro purchased chemicals such as Toluol (from Salt Service and Chemicals, Inc.), Muriatic Acid (Delmarva Incorporated/Chemicals), and paints (Stevens Paint Corp.) from various companies –**not PRPs, yes?** Other vendors include Brulin & Company, Inc., Coyne Chemical. Also purchase Hydrochloric Acid, Sodium Hydroxide solution, Sodium Nitrite, disodium phosphate, Aluminum Sulfate Liquid, Liquid Ferric Chloride for use in cleaning process. (Toluol, HCl, and Sodium Hydroxide all on the hazardous substances list) **Need to confirm if found in the samples and where they are in the total contamination – did find toluol/toluene, but PCB's listed in HRS package as primary threat.**

Tower Chemical Corp. sold to Metro something called Tower 406-T Paint Stripper – *what was in this product?*

What was in Brulin & Company, Inc.'s Formula 815 MX that was sold to Metro?

Paints used to repaint drums and paint stripped from the old drums **could have** contributed to the PCB contamination since during most of the years of operation on the site, paints had PCBs in them.

- Mobil memo 12/28/1979 indicating that drums are “cleaned with a 17% caustic solution, water rinsed, neutralized with a hydrochloric acid solution, and grit blasted”

PADER/PADEP: About 1.5 years prior to December 1987, PADER directed Metro to block a runoff pipe from the Site into Stoney Creek. Have indicated may not concur to list on NPL. Also November 2008 letter to Trainer Industries, LLC and its enrollment in Act 2 Cleanup. No PRP in Act 2 with Pennsylvania.

Site Overview: RCRA inspection December 18, 1987; other inspections December 11, 1987 and February 19, 1988. On February 12, 1988 the Coast Guard responded to a spill on the Delaware River that was traced back to the Site. Feb. 19, 1988 EPA Site visit showed that Metro's sludge treatment system had broken down forcing Metro to store sludge generated during reclamation process in drums and in the lagoon. Sample results showed presence of heavy metals, halogenated hydrocarbons, non-halogenated hydrocarbons, base neutrals and phenols in the lagoon and drums. August 26, 1988 EPA activated funds to secure and stabilize Site. June 16, 1989 AOC Docket No. III-89-II-DC with several PRPs requiring them to secure and stabilize Site, dispose of lagoon contents, dispose of drums of sludge, dispose of all empty drums, excavate all visually contaminated soils and conduct a final round of sampling. March 2, 1990 PRPs submitted final report detailing completion of the Removal work.

Question: was the oil in the drums used or unused? If the former, may fall outside the petroleum exclusion.

Insurance: Has anyone reviewed Metro's policies for coverage/exclusions?

Deeds: Requested from Delaware County in April 1988, including back to Stauffer selling to Joseph A. Reis Co. in 1962 (Q: are all of these in files? Not found yet)

Current Owner: Trainer Industries. Has an Agreement not to Sue dated ____; paid EPA \$15,000 for the Agreement.

Original database created by Booz-Allen did not distinguish between drums with hazardous substances and those without; neither did the final Order

PRP contractor found file cabinets of documents not provided in response to 104(e) letters and so PRPs to removal devised own allocation of costs from that information plus EPA's information

Contaminants: 2007/2008 = arsenic, lead, VOCs (i.e. – toluene, methylene chloride, trichloroethane, trichloroethylene, tetrachloroethylene, etc.), PCBs; TCE, methylene chloride, benzene, vinyl chloride, bromomethane, carbon disulfide (solvent used in cleaning oils – may have been manufactured by Stauffer Chemical at Site); also pesticides (- may have been manufactured by Stauffer at the Site); also antimony (used in making matches)

PRPs:

1. **Amtrak:** Letter dated May 24, 1988 to Lawrence Falkin claiming only involvement with Metro was their removal of 230 completely empty, crushed 55-gallon drums from Amtrak's Wilmington, DE shops. States drums formerly held non-hazardous materials and had been fully drained prior to crushing (does not state what the materials were).
2. **Atlantic Refining & Marketing Corp.:** Letter dated June 2, 1988; follow-up to letter to EPA of April 22, 1988. States in-house procedure required cleaning and removal of bungs prior to making drums available for salvage sale. States that their assessment is that they are not a PRP and have no liability at Site. Letter dated April 22, 1988 indicates that records are not maintained as to former contents of drums. May 10, 1988 letter with response indicates that ARCO sent EPA classification D001 and F005 (Toluene, Methyl ethyl ketone, carbon disulfide), which are *hazardous substances*, from its Newtown Square Research and Engineering facility. Further state were "wetted wall" residuals and estimate 80 to 325 gallons of waste over 8 years.
3. **ARCO Chemical Company:** see #2 above
4. **Autoline Lubricants:** Letter to Lawrence Falkin dated May 4, 1988 states only did business with Metro for 3 months and sent an estimated 600 drums. All records destroyed in fire that destroyed warehouse and office. Letter states they sent MSDS for products in drums (Flex C Motor Oil, Unimax Motor Oil, UniGear 80W-140, Multi-Purpose 80W-90 and 85W-140 Gear Lubricant, Terrapin AW Hydraulic Oil and Super Blue AW Hydraulic Oil).
5. **A.M.F. Drum Co., Inc:** Letter dated April 25, 1988 states that AMF Drum from July 1985 to December 1987 was the sole transporter of reconditioned drum and dirty drums to and from Metro Container under a contractual agreement; stated 5 drivers did transporting; no idea number of drums transported; states that to their knowledge no hazardous container or toxic container were ever picked-up; states picked up and delivered 100,000 drums just to Mobil

alone in one year. Did not sell drums to Metro; only purchased from Metro and did Metro's hauling. May 20, 1988 state that AMF is a "very small company and have no funds for any of their clean up."

6. **Bob O'Donnell Steel Drums:** Letter of April 23, 1988. Did business with Metro since Metro opened. 164-17E HeadFill drums reconditioned and returned per week; "empty" solvent and oil drums. Also sold 400 of same to contra against their account each month. Also 100-17H Open Head reconditioned drums purchased and contr'd by sale of approx. 300 empty paint drums per month. 3 person business in 1988 operating 2 trucks acting as brokers or "peddlers" and were 95% wholesale buyers and sellers to other dealers or reconditioners.
7. **Mobil:** Largest contributor of drums. Mostly invoices received in 104(e); don't show what was in drums. Mobil invoices show numerous other parties from whom Mobil collected drums to transport to Metro. Some invoices say "empty", some say "uncleaned". 104(e) on 4/12/1988; responses throughout May 1988. Undocumented residues believed to be petroleum or petroleum products – thus exclusion. MSDS's do not describe the additives only % of product. Invoice 70384 shows 2 drums of paint transported from Mobil to Metro. Started with Universal (Metro) in October 1978. MSDS for most products indicates that waste was to be dissolved in a solvent and disposed of by supervised incineration – not what Metro did with any residual washed out of the drums it reconditioned. MSDS for a "metal processing oil" – *is this in petroleum exclusion? What about industrial lubricants?*
 - **12/18/1979 invoice** showing 2 drums paint, flammable shipped by Mobil (via or for (?) C.B.L. Truck Leasing, Inc.) to Universal Container.
 - **May 17, 1979 Interoffice Correspondence regarding Updated Drum Reconditioning Agreement:** *paragraph 8 Indemnity on page 8 says "Reconditioner shall indemnify and hold Mobil harmless against all losses, expenses, liability and claims including reasonable attorney's fees, (including those of any parties, their agents, and employees) for death, personal injury, or property damage arising out of the work performed hereunder by Reconditioner or any subcontractor or their agents or employees. (Q: can the contamination be argued to be property damage, which would mean Mobil was held harmless by Universal Container?)"*
 - **May 3, 1979 Memo regarding Dirty Drum Returns:** the language in here would make it appear that the Mobil drums collected and shipped on its own behalf or on behalf of Mobil's customers indicates that customers were leaving "excessive amount of oil in the drum..." or "slop oil"
 - **May 18, 1978 Memo on Drum Return Policy:** "... to emphasize this point, the week of May 7, 1978, we were notified by one of our Reconditioners (Note: not named as Universal, so don't know for sure) that in making a pick-up of a load of drums to be reconditioned, a drum was tipped over from layered storage by a driver, only to have the contents pour out on the employee. *A small quantity of acid had been dumped into the lube drum by the customer and that acid has now left a driver partially blind. (emphasis added).*" This would seem to indicate that some of Mobil's customers were using drums as dumping grounds at time; however, cannot

prove if this was an isolated incident with one customer, or common across Mobil's customer base.

- **November 12, 1987 letter from Mobil to Sidney Levy of Metro:** "... you should refuse to accept drums that fall into any of the following five categories... 1- Drums which do not meet RCRA requirements (1 inch rule).
- **October 16, 1987 letter from Metro to Mobil:** this was a quote letter for drum reconditioning for Mobil's Paulsboro refinery. #4 on the quote list is for "additive drums that cannot be reconditioned that can be cut..." (Q: **would seem to indicated separate drums sent that only had additive, not oil with additive; is this a petroleum exclusion to CERCLA?**); letter also states that "the cost to the reconditioner of complying with all of the environmental regulations has reached a point that we simply cannot absorb all of these costs."
- **December 12, 1978 Reconditioned Drum Contracts and Agreement:** States that "...also can be empty drums that once... used in manufacture, such as **additive drums (emphasis added)**, own use drums..." (Q: **again is are additive drums by themselves exempt from petroleum exclusion?**)
- **1980 Terms and Conditions:** 10(e) Health and Safety says that Seller (Metro/Universal) warrants that the products sold comply with OSHA and TSCA and **"agrees to hold Mobil Oil Corporation and/or its subsidiary and/or affiliated companies harmless from all liabilities... which may arise out of the delivery by Seller of products which do not meet the requirements of the afore-said laws."** (emphasis added)

8. **Arco Petroleum Products:** Invoices received

9. **BP Oil Co:**

- **104(e) response letter dated May 11, 1988:** "BP Oil does not admit that it sent to, transported to or disposed of hazardous substances or hazardous wastes at the Site." "drums sent to the site contained residues of oil and lubricating oil additives." "cannot make an accurate estimate of the amount of residual oil and chemicals (additives) shipped to the site in empty drums." Shipped 18,700 drums from 8/1984 to January 1988; no records prior to 1984

Invoices; Invoice dated 2/15/1983 indicates "150 oil, 8 scrap 55 gallon light iron barrels"; also sent MSDSs; MSDSs all show petroleum oil – gear lubricants, automotive gear, lubricants; refined petroleum products.

- Invoices show separation of drums by oils, chemical, and scrap. BP has represented that "chemicals" means lubricating oil additives.

10. **BP America:** "ton of evidence" *what does that mean????*

11. **Sun Oil Company:** Invoices; 2/22/83 invoice "222 dirty drums" but no indication what was in them. Various MSDS' for different chemical families: multipurpose gear lubricant (solvent refined heavy paraffinic distillate oil containing an additive known to contain phosphorus, sulfur, and nitrogen); "Blend" (severely solvent refined heavy paraffinic distillate (petroleum); products

containing boron, magnesium, phosphorus, and zinc (last 2 on list of hazardous substances)

Article 20 of contract dated May 1, 1980 contains a warning that Sun's used raw drums contained hazardous or toxic chemicals, flammables, explosives and that Metro must warn anyone receiving sun's raw drums of their hazardous nature. Contract cancelled April 1, 1988.

MSDS' show that additives contained CERCLA hazardous substances: zinc and phosphorus (Detergent-Antiwear Additive); zinc, phosphorous, and chlorine additives in a number of products; sulfur monochloride, for Sunicut 425 (?). MSDS's seem to differentiate chemical

families to petroleum, petroleum hydrocarbon, and blend. Some products identified as petroleum or containing petroleum on MSDS, while many of the blends do not indicate petroleum anywhere on the MSDS. 8/7/1985 invoice shows Sun Tech additive drums separate from Sun oil or Sun Tech oil drums; **is this a non-petroleum product?**

- 12. US Steel:** Invoice for drums sent to Metro. Purchase inspection No. 3090 dated 4/7/1983 states "56-Chemicals, 56 Total" – **What were these chemicals?** Seem to have come from Mobil as Mobil is noted on a number of documents. No actual 104(e) letter or response found in files.
- 13. Salt Service and Chemicals, Inc.:** Looks like sold Toluol to Metro for its use.
- 14. Tasty Baking Co.:** Some drums contained solvents, others food ingredients.
- 15. Sukonik Barrell & Drum:** Got 104(e) but ?? response. Per Maslow response (individual financial statement) Sukonik had a \$100,000 judgement against Maslow and Metro. 104(e) was sent to 1000 Arboretum Rd. in Wyncote, PA (same address as listed for State Steel Drum & Barrel Co); seems no response ever received. R&H sold Sukonik drums that somehow ended up at Metro.
- 16. O.F. Zurn Company:** 5/2/1988 letter states that the drums picked up by Metro did not contain hazardous materials; waste oil drained and picked up by Petrocon in Feasterville, PA. Insurance contains a pollution exclusion.
- 17. PPC Corp. (Petroleum Products):** bought 780 drums and returned 266 11/1985 to 11/1987. 7/15/1988 letter states PPC policy not to pickup drums containing grease or solvents, and no more than 1qt. of liquid. Insurance policy covers named locations only (no copy, but presume Metro not on the list).
- 18. Pioneer Oil Company, Inc.:** Response letter 4/20/1988. No hazardous substances generated or transported. Less than 1" residual in drums sent to Metro.
- 19. Quality Container Corp.:** #17-19 all represented by 1 attorney. 5/26/1988 letter indicates all 3 are willing to participate in performing work to their prorated %. Transported drums for others; received MSDS's for the drums that contained hazardous substances, but Metro never asked for the MSDS's; drum acceptance policy called for drums to be RCRA empty, not to have contained "acutely hazardous" chemicals as defined by 40 CFR 261.33(e), had to be notified if contained "toxic substance". 12/4/1986 letter from Ciba-Geigy to Quality indicates that perc was in its various pigments that were in small amounts in drums sent to Quality for reconditioning (<0.1%); E.F. Houghton letter of 7/28/1986 indicated that phosphate esters, mineral oil, Stoddard solvent, water-based hydraulic fluid containing glycols, and water-based cutting fluid containing amines would be residually present in its drums.
- 20. Superior Barrel and Drum**
- 21. H. Toy Co.**

22. **Reit Lubricants:** 4/29/1988 letter states "only accepted return drums from its customers once they had passed strict tests for integrity and contents." Supposedly sent MSDS sheets for all products sold in drums returned to Metro for reconditioning: hydraulic oil, several grades of engine oil, and several types of lubricant: a) Shell Tellus Oil 32, petroleum hydrocarbon, hydraulic oil, b) Shell Tellus Oil 46, petroleum hydrocarbon, hydraulic oil, minor additives, c) Mobil Hydraulic Oil AW 68, no hazardous ingredients, had mineral oils, d) Mobil Hydraulic Oil AW 46, no hazardous ingredients
23. **Rhodes Drums:** 104(e) sent but appears no response
24. **Reliable Recyclers:** buy/sell packaging; state they only handle empty packaging
25. **Converters Ink/ICI Americas:** 2/22/1991 letter from ICI states that they do not believe that Converters transported hazardous materials to Metro; Converters did sell used 55 gallon drums to Metro in 1987; Converters manufactured inks; drums sent to Metro were used for mixing and blending raw materials including solvents, pigments, and resins.
26. **Chevron:** 200,000+ drums; 46,900 between 12/30/1985 and 12/31/1987. Response letter dated 6/2/1988 states that no hazardous substances were generated or transported by Chevron to Metro. Any residuals were small quantities of petroleum as drums contained only lube oils. See also 5/10/1989 letter stating substances are not hazardous substances as defined by CERCLA; official request to be removed from EPA's PRP list. Provided MSDS's for additives. Additives included chemicals such as zinc alkyl dithiophosphate, alkylphenate sulfide.

May 4, 1988 Response:

Exhibit I is a listing of products contained in 55-gallon drums and the additives within each of the products that were manufactured and/or sold by Gulf Oil Corporation at its Philadelphia Refinery. Exhibit II is a listing of products contained in 55-gallon drums and the additives contained within each of the products that are manufactured and/or sold by Chevron U.S.A. Inc. at its Philadelphia Refinery. Exhibit III is a copy of the Material Safety Data Sheets available for each of the products specified in response to question no. 1.

These products are refined at Chevron's Philadelphia Refinery and are not hazardous substances as defined in CERCLA Sec. 101(14) nor are they pollutants or contaminants as defined in CERCLA Sec. 101(33). Therefore, Chevron respectfully requests that it be removed from EPA's list of potentially responsible parties for the subject site.

Have contract between Chevron and Metro dated May 12, 1986. Gulf Oil (part of Chevron) was using Universal in 1970s.

27. **Petrolite Corporation:** sworn statement from manager of Eddystone plant that only sent RCRA empty drums to Metro. Invoices show empty drums. 104(e) response letter dated May 23, 1988. Contained the affidavit letter that indicated only empty drums were sold/delivered to

Metro. Petrolite was (is?) a medium sized manufacturer of highly specialized chemicals for use in oil and gas production and transportation (**seems like no petroleum exclusion here**) and for industrial uses. **Q: what are/were the chemicals manufactured?? Are they in the list of contaminants for the Site?**

- 28. W.N. Stevenson Co.:** No 104(e) response, but invoices/delivery receipts included in Metro's response. These show "empty drums Solvent NOS Flammable Liquid NA1993 (Last contained XXXX Solvent NOS)". Flammable Liquids, N.O.S. NA 1993 is a Xylene Stoddard Solvent. Xylene is on the 40 CFR 302.4 list of hazardous substances (mixed and isomers and mixture). 11/02/1984 sold methyl ethyl ketone (flammable liquid) to Metro.

Have insurance policy

Have 104(e) response letter dated May 9, 1988. Answer 1 is mostly what company sold to Metro; however, 1 f and Exhibit 1 show that they sent drums with residual contents of a number of hazardous substances. B/t June 30, 1983 and January 6, 1988, sent 42,505 "empty" drums to the Site; no records reflecting the residual contents of these drums, but see Exhibit 1 for the substances probably in the drums at "residual" levels.

- 29. Gilbert Spruance Company:** Customer receipt indicating "empty agitator drums for reconditioning" 225 of them, 10/10/1984. No 104(e). Company is bankrupt (about 1993).
- 30. Witco Chemical:** sent drums in 1985; doubt they were an oil company. Was 104(e) sent?
- 31. Occidental Chemical Corp.:** Vendor, or user of reconditioning service? Shipping order showing PVC Resin powder and regular and mobile drums shipped 10/4/1985.
- 32. Solvents Recovery Service of New Jersey, Inc.:** shipped drums; was 104(e) sent? Only see shipping order.
- 33. Bangor Hydroelectric:** 104(e) sent; no information received
- 34. AFCO:** 104(e); received receipts for drums sent to Metro
- 35. American Dredging:** 104(e) sent; response states they sent "empty 55 gallon drums of lube oil"
- 36. Bel Ray:** 104(e) sent; sent drums but were "empty drums, cleaned according to company policy to met RCRA standards." No paperwork. 1 invoice showing lubricating oil and petroleum lubricating grease (7/12/1985)
- 37. Donald Kelly, Inc.:** send 104(e); sent invoices and receipts
- 38. Drum Service of Camden:** 104(e) response says never sent drums to Metro/Universal
- 39. EC Barnes Inc.:** Some receipts and invoices
- 40. E.I. DuPont de Nemours & Co., Inc.:** receipts, invoices. Reference to solvents
- 41. Commonwealth of Pennsylvania:** 12/19/1986 invoice for drums; 14 oil; 431 paint; 10 Tar used drums.
- 42. Chemclene Corporation:** Was 104(e) sent? Invoice for 92 drums returned for reconditioning 2/17/1984; company involved in solvents, equipment & waste disposal. Other invoices as well.
- 43. Rohm & Haas (now wholly owned subsidiary of The Dow Chemical Company, since 4/1/2009):**

No 104(e) letter to R&H, nor any response letter found in any of the folder marked R&H. invoices and shipping orders only.

invoice showing sent drums that last contained pesticide, paint, lacquer, varnish, gum, resin, or plastic solvent (216 steel drums) 12/28/1983; many invoices (post 1982) all showing the same last contents to the "empty" drums. Consignee on many (all?) invoices = State Steel (*who are they and relation to Metro?*) one invoice shows Triglycol Dichloride. Drums were steel, fibre, and plastic.

Bristol Plant was shipping to Sukonik Barrel & Drum and Tunnel Barrel and Drum. These invoices do not indicate what was last in the drums (1985-1986). Sukonik and State Steel seem to be same as both names on invoices at same address in Collingswood, NJ.

Rohm and Haas sold drums to Sukonik/State Steel, who then sold to Metro. Tunnel Barrell & Drum Co. took over business from State and continued to sell Rohm and Haas used drums to Metro. (*Q: did Sukonik/State/Tunnel clean the drums before sending to Metro, or just forward on what they got as is???*)

1987 shipping orders to Tunnel do not specify what the drums last contained as the ones to Sukonik/State Steel did in 1983 and 1984.

Starting in 1985, R&H put indemnification language on the shipping orders/invoices to State Steel and Tunnel such that those buyers of drums were indemnifying R&H against all damage to persons and properties caused by recycling/reconditioning, resale or other disposal of the containers.

- 44. **State Steel Drum & Barrell:** R&H sent drums there. Seems related to/same as Sukonik. *What is relation to Metro???*
- 45. **Stauffer Chemical:** Old owner prior to Reis and Universal drum. Some indication that may have sold to Zeneca, which became Astra Zeneca, which became ICI. No 104(e) ever sent to them.

Stauffer produced sulfuric acid, carbon disulfide, and dithiocarbonic anhydride among other chemicals at the Site between 1920 and 1959. Constructed the waste lagoon in the 1950s; later used by the drum cleaning companies.

- **1987:** Stauffer Basic Chemical Holdings, Inc. and its subsidiaries, including Stauffer Specialty & Food Products Company, Inc. ("Specialty") sold to ICI Group. Specialty almost immediately sold to Akzo Nobel, N.V. in August – December 1987. Specialty, which held the Specialty Chemicals business, was merged into Akzo Nobel Specialties, Inc. ICI-Akzo Agreement supposedly had ICI Group retaining "environmental liabilities to the extent arising from disposal prior to July 31, 1987 of materials by any member of the Stauffer Group (or predecessors) at a site... which was not owned by one of the Stauffer or ICI Group entities being sold to Akzo." Also supposedly had ICI International Investments ("ICI II"), a member of the ICI Group, retaining environmental

liabilities incurred by the Stauffer specialty chemical business, and thus Akzo did not assume any environmental liabilities.

- **Also 1987:** ICI Group sold Stauffer Basic Chemical Holdings, Inc. to Rhone-Poulenc, Inc. Ultimately merged into Rhone-Poulenc, Inc. and ceased as a separate company. ICI Group supposedly indemnified Rhone-Poulenc, Inc. for "certain pre-closing off-site liabilities."
- **Rhone-Poulenc, Inc.** is now part of Bayer CropScience, which is part of Bayer AG. US operations of Bayer CropScience are managed from RTP through a U.S. limited partnership.

Question: which of the Stauffer entities would have operated at Site, and so which entity would have inherited environmental liability?

- 46. **Tunnel Barrel and Drum Company:** Replaced Sukonik/State as buyer of Rohm & Haas drums. Sold these used drums to Metro.
- 47. **Dupont:** June 2, 1988 letter – followup to May 6, 1988 letter. Cannot provide specific list of what was in the drums sent to Metro; however sent a representative list of possible chemicals based on 1988 purchases. Were 3 contracts with Metro covering Dupont's Towanda, PA; Parlin, NJ; and Experimental Station in Wilmington, DE facilities.

Towanda:

Shipping papers for the Towanda Site are attached and marked B1 - B63. Based on the records, Towanda used the site between the time of January 5, 1987 and March 16, 1988. During that time period, 10,387 empty 55 gallon steel drums were sent for reconditioning and resale by Metro Container. It is Towanda's practice to comply with the RCRA definition in whatever manner is necessary to prepare the drums for disposal.

The different chemicals that could have been a residue in the bottom of these drums are as follows:

Methoxypolyethylene glycol
Hexamethoxymethylmelamine
Urethane acrylate oligomer
1-Hydroxyethyl, 2-heptyl imidazoline
n-Methyl pyrrolidone
Acrylate oligomer
Urethane acrylate oligomer
Pentaerythritol triacrylate
Poly propylene glycol
Polyoxyethylene-polyoxypropylene glycol
Tri-o-cresyl phosphate
Triethylene glycol diacetate
Triethylene glycol dimethacrylate
Trimethylol propane triethoxy triacrylate
Trimethylol propane triacrylate
Triethylene glycol diacrylate
Epoxy acrylate resin
Mixed alcohols
Dodecyl benzene sulfonic acid
Polyoxyethylene (4) lauryl ether
Polyethoxylated trimethylolpropane triacrylate
Trimethylol propane trimethacrylate
Acrylic polymer/methyl alcohol/methylene chloride
Unsaturated acrylic ester oligomer
2(4-Hydroxybenzoyl)-2-hydroxypropyl methacrylate
Acrylic adhesive with <1% acrylonitrile and <1% phenol
Ethanol, 2-[bis(phenylmethyl)-(amino)-,acetate (ester)]
Ethanol, 2,2',2''-nitrolo tris-, triacetate (ester)

Parlin:

Shipping papers for the Parlin site are marked C1 - C19. The records show that Metro Container picked up 7,138 empty 55 gallon steel drums since July 1, 1986; however, we are including documentation only from April, 1987, which represent the records retained at the plant site. The drums were sent for either disposal or reconditioning and resale by Metro Container. In preparation for pickup, the drums were emptied to less than one inch of residue and triple-rinsed if the contents were considered toxic or hazardous to human health. The residues most likely contained in the drum bottoms would be paint and lacquer solvents such as ketones, acetates, monomers and acrylic resins.

Experimental Station:

Shipping papers for the Experimental Station are marked D1 - D224. Our records show that Metro Container has been used since 1983. From July 1, 1986 to the present 7,969 drums have been sent for reconditioning and resale by Metro. As with the other two sites, strict compliance with the RCRA definition of

**LIST OF TYPICAL CHEMICALS
PURCHASED IN DRUMS BY THE
DU PONT EXPERIMENTAL STATION**

METHANOL

FREON TF

METHYLENE CHLORIDE

ETHYL ACETATE

DIMETHYLACETAMIDE

HEXANE

ORTHO-DICHLOROBENZENE

TETRAHYDROFURAN

ETHYL ETHER

ACETONE

TOLUENE

TRICHLOROETHANE

ISOPROPANOL

ETHYLENE GLYCOL

SODIUM HYPOCHLORITE

48. Fritch Fuel: 104(e) response letter April 18, 1988 states Metro was supplier and reconditioner of 55 gallon metal drums. All drums via Metro van. All drums sent to Metro were completely empty except for any residue clinging to sides and bottom. Never transported any drums or quantities of hazardous materials to Metro. Products in drums were:

- Sunfleet Motor Oils - all grades
- Sunfleet Transmission fluids - all grades
- Sunfleet Gear Oils - all grades
- Sunvis Hydraulic Oils - all grades

- Sunoco Mineral Spirits
- Texaco Permanent Anti-Freeze
- Houghton Permanent Anti-Freeze

(Q: are the last 3 petroleum exclusion items? If not, then may be a PRP)

49. **Sentry Paint and Chemical Company:** 104(e) response letter dated May 13, 1988. Spent 55 gallon drums were sold FOB by Darby, PA plant to Metro. Residue of empty paint drums. Believe that the spent containers are not considered hazardous waste.
50. **Bangor Hydro-Electric Company:** 104(e) response letter dated June 14, 1990 indicating no evidence that Bangor did business with the Metro entities.
51. **Norton Petroleum Company:** 104(e) response letter dated May 16, 1988. Sent drums to Metro from May 1974 to December 1987. Drums stated as being used exclusively for the purpose of dispensing to its customers petroleum products; did not arrange for disposal of hazardous substances nor transport or send; all drums were returned empty; sent approximately 15,000 drums during the 13 year timeperiod. Any residuals were of petroleum products. Norton also sold petroleum products and supplies to Metro for use in its business – all were virgin supplies, not for recycling.
52. **Coyne Chemical:** Sold product (caustic soda, aluminum sulfate, liquid ferric chloride, hydrochloric acid, among others) to Metro for use in operations. Also appear to have sent drums to Metro. Was a 104(e) sent?? Was there a response? Have not found either in boxes.
53. **Marisol, Inc.:** founded 1962; does solvent recycling and hazardous waste services. Numerous invoices showing drums sent to Metro. Was a 104(e) ever sent to these folks?
54. **Westfall-Ace Drum Co.:** Trenton, NJ. 104(e)? Sent at least 228 “55 gal HF U/L *chemical* drums” to Metro. Q: what did “chemical” mean in this label?
55. **Pennsylvania Power and Light:** sent drums to Chevron, who sent on to Metro. Q: what did these have in them? Could there have been pyranol (PCB) oil from transformers?
56. **Philadelphia Electric Company:** same issue as PPL in #55 except with Mobil instead of Chevron.
57. **Joseph A. Reis Company:** acquired Site from Stauffer. Filed for bankruptcy prior to 1969, when Universal Container acquired the Site from bankruptcy trustee.

Possible 104(e) Letter(s) 2011:

1. **Stauffer (surviving/successor entities):** questions regarding – a) what was manufactured at the Site during Stauffer tenure?, b) discuss/describe use and disposal of PCBs in operations at the Site.
2. **All entities that received 104(e)s 23 years ago:** discuss their use of PCBs in operations and occurrence in drums sent to Metro (Universal, Reis) for reconditioning.
3. **New entities:** New 104(e)s (based on old ones plus the PCB question(s)) to companies that did not get 104(e)s 23 years ago but that might have sent solvent or chemical (non-oil) drums to Metro.

Additional PRPs for 104e Letters: (2011)

- **PECO Energy** – operates a substation upriver from where contamination was found at mouth of Stoney Creek and Delaware River
- **Clean Harbors, Inc.** – acquired Chem Clear, Inc. in 1989. CC leased 17 acres from PECO and operated a hazardous waste disposal company. EPA and PECO cleaned-up that 17 acres in late 90s, early 2000s. Questions though as to whether we can look at Clean Harbors as successor to Chem Clear; questions as to PCBs as not listed in substances sampled for in prior clean-up activities.
- **Conrail** – owns/operates rail yard between Site and wetland where contamination was found.

December 2011:

- Received Title Search report on December 13, 2011
- TS report shows Delaware County Industrial Development Authority as owner of the Site between December 3, 1970 and February 4, 1983; during this time, Universal Container was operating on the Site and creating contamination. {Is DCIDA a PRP for our purposes? If so, need to do a 104e letter}

Removal Action PRP Group: Arco Chemical Co. (now LyondellBassel); BP Oil Inc.; Chevron USA, Inc.; E.I. DuPont de Nemours & Co., Mobil Oil Corp. (now ExxonMobil); Rohm and Haas Co. (now Dow Chemical); Sun Refining and Marketing Co. (Sunoco); Tunnel Barrel Co., C.B. Hooper (was added in 1992).